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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 ARMANDO HERNANDEZ-MARTINEZ,

12 Petitioner,

13 v.

14 A. NEIL CLARK, Field Office Director,
15 U.S. Immigration and Customs Enforcement,

16 Respondent.

CASE NO. C09-1809-TSZ-JPD

REPORT AND RECOMMENDATION

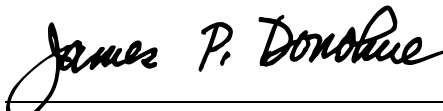
17 On December 22, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas
18 Corpus under 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs
19 Enforcement (“ICE”). (Dkt. No 6.) Petitioner requests that this Court order his release from
20 custody on conditions or reasonable bond, arguing that “such custody violates the due process
21 rights of the Petitioner.” *Id.* at 1. On February 24, 2010, however, respondent filed a motion to
22 dismiss along with documentation, indicating that on February 3, 2010, petitioner was removed
23 from the United States to Mexico. (Dkt. Nos. 11 and 12, Ex. A.) Respondent asserts that
24 because petitioner has been accorded all the relief sought in his habeas petition, his petition for
25 writ of habeas corpus is now moot and should be dismissed. (Dkt. 11.)
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REPORT AND RECOMMENDATION

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1 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
2 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).
3 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner was removed to
4 Mexico and is no longer detained by ICE, the Court finds that petitioner’s habeas petition should
5 be dismissed as moot. *See Abdala v. I.N.S.*, 488 F.3d 1061, 1065 (9th Cir. 2008)(holding that a
6 petitioner’s deportation mooted his challenge to the length of his detention at the ICE facility).
7 Accordingly, I recommend that this action be dismissed. A proposed Order accompanies this
8 Report and Recommendation.

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10 DATED this 25th day of February, 2010.

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13 JAMES P. DONOHUE
14 United States Magistrate Judge
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